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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,152

03/07/2006

Robert A. Yapel

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EXAMINER

LAMB, BRENDA A

ART UNIT

PAPER NUMBER

1713

NOTIFICATION DATE

DELIVERY MODE

05/27/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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LegalDocketing@mmm.com

Office Action Summary	Application No. 10/595,152	Applicant(s) YAPPEL, ROBERT A.	
	Examiner Brenda A. Lamb	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-16, 24, 26-28 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24, 26-28 and 31 is/are allowed.
- 6) ☒ Claim(s) 10, 11, 15 and 16 is/are rejected.
- 7) ☒ Claim(s) 12-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelzer et al 4,145,173.

Pelzer et al teaches the design of a die coater which is comprised of the following elements: a first die block, a second die block, and a plurality of fasteners holding the first die block and the second die block together, wherein: (a) each of the plurality of

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fasteners extends through the first die block, into the second die block, and provides a compression force between the first die block and the second die block; (b) the first die block and the second die block are constructed to provide an internal manifold and a coating slot; and (c) some of the fasteners are located behind the internal manifold (not numbered but screws are clearly shown in Fig.3 behind manifold 8), and the fasteners are arranged so that some are rearward fasteners and some are forward fasteners, the forward fasteners 38 being closer to the coating slot of the die than the rearward fasteners. The rearward fasteners and forward fasteners in the Pelzer et al die coater are obviously capable of being tightened such that they have a torque differential within the scope of the claims via a known tightening means for fastening bolts, especially, in the case if one desires to narrow the coating slot width, since the teachings of Pelzer et al show that rearward fasteners act as a fulcrum whereas fasteners 38 can act to decrease slot width and need to firmly fixed or tightened thereby exhibiting a torque differential within the scope of claim 10 and 15 in order to provide a narrow slot width.

Claims 10,11 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barstow 3,289,632.

Barstow teaches the design of a die coater as shown in Figures 2-3 which is comprised of the following elements: a first die block, a second die block, and a plurality of fasteners (nuts 7 and bolts 6 extending through channels 8) holding the first die block and the second die block together, wherein: (a) each of the plurality of fasteners extends through the first die block, into the second die block, and provides a compression force between the first die block and the second die block; (b) the first die

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block and the second die block are constructed to provide an internal manifold and a coating slot; and (c) some of the fasteners are located behind the internal manifold, and the fasteners are arranged so that some are rearward fasteners and some are forward fasteners, the forward fasteners being closer to the coating slot of the die than the rearward fasteners. The rearward fasteners and forward fasteners in the Barstow die coater are obviously capable of being tightened such that they have a torque differential within the scope of the claims via a known tightening means for fastening bolts thereby exhibiting a greater a torque differential within the scope of claims 10 and 15 in order to provide a narrow slot width. With respect to claim 11, the fasteners of Barstow are comprised of forward and rearward fasteners which are positioned in the die such that O_F and O_B is within the scope of the claim. With respect to claim 16, the die coater has an overhang O_H and cube of the ratio of overhang to thickness of the first die block is within the scope of the claim. Barstow fails to teach overhang O_H is less than 119 mm. However, it would have been obvious matter of design choice in the Barstow die to provide an overhang O_H which is within the scope of the claim since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claims 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 24, 26-28 and 31 are allowed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda A. Lamb whose telephone number is (571) 272-1231. The examiner can normally be reached on Wednesday-Friday and on alternate Mondays and Tuesdays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton, can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brenda A Lamb
Primary Examiner
Art Unit 1792

/Brenda A Lamb/

Primary Examiner, Art Unit 1792